

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

11 CV. 3587

Peylaximi Durgaprasad
100 harty st yonkers
ny 10701

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

Madell's sporting Goods
2550 Central Park Ave
Yonkers ny 10710

(In the space above enter the full name(s) of the defendant(s).
If you cannot fit the names of all of the defendants in the space
provided, please write "see attached" in the space above and
attach an additional sheet of paper with the full list of names.
Typically, the company or organization named in your charge
to the Equal Employment Opportunity Commission should be
named as a defendant. Addresses should not be included here.)

COMPLAINT
FOR EMPLOYMENT
DISCRIMINATION

Jury Trial: ☐ Yes ☐ No
(check one)

This action is brought for discrimination in employment pursuant to: (check only those that apply)

_____ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

NOTE: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

✓ _____ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 - 634.

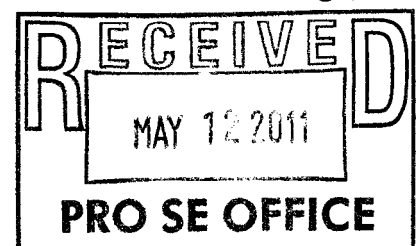
NOTE: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.

_____ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 - 12117.

NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

✓ _____ New York State Human Rights Law, N.Y. Exec. Law §§ 290 to 297 (age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status).

_____ New York City Human Rights Law, N.Y. City Admin. Code §§ 8-101 to 131 (actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status).



I. Parties in this complaint:

- A. List your name, address and telephone number. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Preyadasini Sargaprasad
 Street Address 100 harty st
 County, City Yonkers Westchester
 State & Zip Code NY 10701
 Telephone Number 914 - 378 - 1509

- B. List all defendants' names and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant Name Henry Modell's / Company Inc
 Street Address 495 7th Ave 25th floor
 County, City NY NY
 State & Zip Code NY 10018
 Telephone Number 212 - 822-1000

- C. The address at which I sought employment or was employed by the defendant(s) is:

Employer Modell's Sporting Goods
 Street Address 2550 Central Park Ave
 County, City Westchester Yonkers
 State & Zip Code NY 10701
 Telephone Number 914 - 337-3900

II. Statement of Claim:

State as briefly as possible the facts of your case, including relevant dates and events. Describe how you were discriminated against. If you are pursuing claims under other federal or state statutes, you should include facts to support those claims. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. The discriminatory conduct of which I complain in this action includes: *(check only those that apply)*

☒ Failure to hire me.
☒ Termination of my employment.
☐ Failure to promote me.
☐ Failure to accommodate my disability.
☐ Unequal terms and conditions of my employment.

_____ Retaliation.

_____ Other acts (specify): _____.

Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.

B. It is my best recollection that the alleged discriminatory acts occurred on: 11/125/08
Date(s)

C. I believe that defendant(s) (check one):

_____ is still committing these acts against me.

/ _____ is not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check only those that apply and explain):

☒ race Indian ☐ color _____

☐ gender/sex _____ ☐ religion _____

☐ national origin _____

☒ age. My date of birth is 11/05/1963 (Give your date of birth only if you are asserting a claim of age discrimination.)

☐ disability or perceived disability, _____ (specify)

E. The facts of my case are as follow (attach additional sheets as necessary):

Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, the New York State Division of Human Rights or the New York City Commission on Human Rights.

III. Exhaustion of Federal Administrative Remedies:

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding defendant's alleged discriminatory conduct on: 12/23/2009 (Date).

B. The Equal Employment Opportunity Commission (*check one*):

_____ has not issued a Notice of Right to Sue letter.
 _____ issued a Notice of Right to Sue letter, which I received on 02/10/11 (Date).

Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.

C. Only litigants alleging age discrimination must answer this Question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (*check one*):

_____ 60 days or more have elapsed.
 _____ less than 60 days have elapsed.

IV. Relief:

WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, and costs, as follows:

\$35,000 (thirty five thousand)

(Describe relief sought, including amount of damages, if any, and the basis for such relief.)

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 10 day of 05, 2011

Signature of Plaintiff
 Address

Prady Durgaprasad
100 Chanter St
Yonkers NY 10701

Telephone Number

914-378-1509

Fax Number (if you have one)

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA
☒ EEOC

520-2010-00204

and EEOC

State or local Agency, if any

Home Phone (Incl. Area Code)

Date of Birth

Name (Indicate Mr., Ms., Mrs.)

(914) 378-1509

11-05-1963

Mrs. Preyadarsini Durgaprasad

City, State and ZIP Code

Street Address

100 Harty Street, Yonkers, NY 10701

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

No. Employees, Members

Phone No. (Include Area Code)

Unknown

(212) 822-1000

Name

MODELL'S SPORTING GOODS

City, State and ZIP Code

Street Address

2550 Central Park Ave., Yonkers, NY 10710

Name

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
NEW YORK DISTRICT OFFICE
NOV 05 2009

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☒ NATIONAL ORIGIN
☐ RETALIATION ☒ AGE ☐ DISABILITY ☐ OTHER (Specify below.)**DATE RECEIVED**DATE(S) DISCRIMINATION TOOK PLACE
Earliest Latest

11-25-2008

03-06-2009

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I, Preyadarsini Durgaprasad (46 years old, Female, Guyanese) was employed by Modell's Sporting Goods as a Sales Associate from November 6, 1991 thru March 6, 2009. For the last 8 years I've been working as a Bookkeeper. Before working under the supervision of Mr. Mike Pergisano I never received any verbal or written complaints regarding my job performance.

One of the first incidents occurred when the previous general manager Chris Soriano was present when Allie Patel threatened me saying "I will lay you out". An incident report was written but he never addressed the issue. Later on he became the Loss Prevention Manager.

On November 25, 2008 I was scheduled to closed from 1p.m. -10 p.m., as soon as I entered the building I heard Allie Patel (Assistant Manager) saying to Mike Pergsalino (General Manager) "here comes the bitch, put her on the registers to ring".

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

Benjamin S. Lee
SUBSCRIBED AND SWORN TO BEFORE ME THIS DAY
(month, day, year) Notary Public, State of New York
No. 31-4937958

Qualified in New York County
Commission Expires July 11, 2010

Date

Charging Party Signature

11. Are there any witnesses to the alleged discriminatory incidents? If yes, please identify them below and indicate what they will say. Add additional pages if necessary.

NAME	JOB TITLE	ADDRESS & PHONE NUMBER
A. Nicole Henry	Apparel Sales	760-East 211st Bronx ny 10467 917 681-0542
NAME	JOB TITLE	ADDRESS & PHONE NUMBER
B. Bibi Gafar	Cashier	466 South St. Mt. Vernon 10530 914-699-1390
NAME	JOB TITLE	ADDRESS & PHONE NUMBER
C. Marsha Black	was Sales no longer working for the company.	

12. Have you filed a charge previously in this matter with EEOC or another agency? Yes ☐ No ☒
13. If you have filed a complaint with another agency, provide name of agency and date of filing:
14. Have you sought help about this situation from a union, an attorney, or any other source?

Yes ☒ No ☐ - If yes, from whom and when? Provide name of organization, name of person you spoke with and date of contact. Results, if any?

Local 1102 (union)
Union Rep. (Maria) and Timothy.
Numerous times the union was called in
03/10/08 | 06/30/08 03/06/09

Please check one of the boxes below to tell us what you would like us to do with the information you are providing on this questionnaire. If you would like to file a charge of job discrimination, you must do so within either 180 or 300 days from the day you knew about the discrimination. The amount of time you have depends on whether the employer is located in a place where a state or local government agency has laws similar to the EEOC's laws. If you do not file a charge of discrimination within the time limits, you will lose your rights. If you want to file a charge, you should check Box 1, below. If you would like more information before deciding whether to file a charge or you are worried or have concerns about EEOC's notifying the employer, union, or employment agency about your filing a charge, you may wish to check Box 2, below.

Box 1

I want to file a charge of discrimination, and I authorize the EEOC to look into the discrimination I described above. I understand that the EEOC must give the employer, union, or employment agency that I accuse of ☒ discrimination information about the charge, including my name. I also understand that the EEOC can only accept charges of job discrimination based on race, color, religion, sex, national origin, disability, age, or retaliation for opposing discrimination.

Box 2

I want to talk to an EEOC employee before deciding whether to file a charge of discrimination. I understand that by ☐ checking this box, I have not filed a charge with the EEOC. I also understand that I could lose my rights if I do not file a charge in time.

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

520-2010-00204

and EEOC

State or local Agency, if any

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

On 3/27/09 Mr. Pergsalino slam the office door in front of me and use the "F" word. On 8/14/09 I was standing at the clock ready to punch out, I heard my name being called by Allie Patel. She was telling another associate "The Indian bitch act like she is fucking white." The following day I spoke to Mike Pergsalino about the incident, I told him that I would like to him to call Human Resources. His response was "no", he said if they come to the store we would have a long investigation. He promises me that this will never happen again. The next day Allie Patel commented "I will show the bitch something".

On 7/20/08 I was called by Mike Pergsalino to have a meeting at his office. He said to me "I would like you to step down from the bookkeeper and work in apparel", I did not give him and answer. He said he got someone younger to do the job. He also said I been around a longtime and also getting older. Also stated, that I was making too much money.

I was terminated on March 6, 2009 by Mr. Rich Walch (Human Resources) for allege "lack of productivity" immediately Mr. Pergsalino followed me to the lunch room so I could give him the store shirt. I explained that I had nothing on under the red shirt and he stated "I will turn my head away so you can take off the shirt". I took it off and put my coat on, I was humiliated.

The union represented me in arbitration but the case was denied because of allege "progressive discipline". I was never told, written or made aware of that. I was subjected to a hostile work environment based on my age and national origin. Modell's sporting goods was aware of the hostile work environment created by Ms. Allie Patel and Mr. Mike Pergsalino, yet failed to take corrective action. All in violation of the ADEA and Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE 11/3/09
(month, day, year)

Notary Public • State of New York

No. 31-4937958

Qualified in New York County

Commission Expires July 11, 2010

Date

Charging Party Signature



**U.S. Equal Employment Opportunity Commission
New York District Office**

33 Whitehall Street
5th Floor
New York, NY 10004
(212) 336-3620
TDD: 1-800-669-6820
FAX (212) 336-3625
1-800-669-4000

Respondent: MODELL'S SPORTING GOODS
EEOC Charge No.: 520-2010-00204
FEPA Charge No.:

November 20, 2009

Preyadarsini Durgaprasad
100 Harty Street
Yonkers, NY 10701

Dear Mrs. Durgaprasad:

This is to acknowledge receipt of the above-numbered charge of employment discrimination against the above-named respondent. Please use the "EEOC Charge No." listed above whenever you call us about this charge. The information provided indicates that the charge is subject to:

- ☒ Title VII of the Civil Rights Act of 1964 (Title VII)
- ☒ The Age Discrimination in Employment Act (ADEA)
- ☐ The Americans with Disabilities Act (ADA)
- ☐ The Equal Pay Act (EPA)

You need do nothing further at this time. We will contact you when we need more information or assistance. A copy of the charge or notice of the charge will be sent to the respondent within 10 days of our receipt of the charge as required by our procedures.

- ☒ Please be aware that we will send a copy of the charge to the agency listed below as required by our procedures. If the charge is processed by that agency, it may require the charge to be signed before a notary public or an agency official. Then the agency will investigate and resolve the charge under their statute. If this occurs, section 1601.76 of EEOC's regulations entitles you to ask us to perform a Substantial Weight Review of the agency's final finding. To obtain this review, a written request must be made to this office within 15 days of receipt of the agency's final finding in the case. Otherwise, we will generally adopt the agency's finding as EEOC's.
- New York State Division Of Human Rights
Federal Contract Unit
One Fordham Plaza, 4 Fl.
Bronx, NY 10458

While your charge is pending, please notify us of any change in your address, or where you can be reached if you have any prolonged absence from home. Your cooperation in this matter is essential.

Sincerely,



David Phillips
ADR Assistant
(212) 336-3646

Office Hours: Monday – Friday, 8:30 a.m. - 5:00 p.m.
www.eeoc.gov

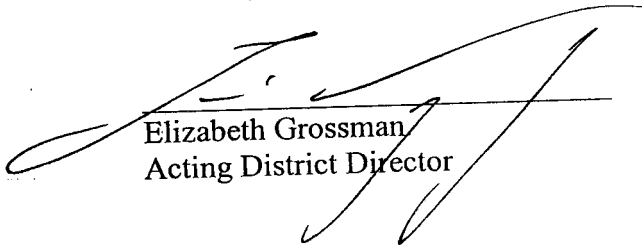
Enclosure(s)

Preyadarsini Durgaprasad v. Modell's Sporting Goods
EEOC Charge No.: 520-2010-00204
Page 2 of 2

actions were motivated because of your national origin (Guyanese) and disability as you have alleged. Even though you may disagree with this determination, it is very unlikely that the Commission would find a violation if it invested additional resources.

Therefore, the EEOC is closing its investigation of this Charge and no further action will be taken by the Commission regarding this matter. Your Determination/Notice of Right to Sue is enclosed. This Determination is final. If you wish to pursue this matter, you must file a lawsuit on your own in Federal District Court using the enclosed Notice of Right to Sue within 90 days of your receipt of it. Once this 90 day period is over, unless you have filed a lawsuit, you will have lost your right to sue. Please contact Federal Investigator Jose Vega at (212) 336-3682 if you have any questions.

Sincerely,



Elizabeth Grossman
Acting District Director

for

2 / 10 / 2011
Date

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